

# North Fork of the St. Lucie River Water Reservation Rule Development

Governing Board Meeting  
February 11, 2010

*Brenda Mills, Lead Planner, Federal & State Policy Division  
Everglades Restoration and Capital Projects*



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# Overview

- Adopt rules to amend existing rules in Florida Administrative Code:
  - Amend Chapter 40E-10 to identify the water reserved from allocation for the North Fork of the St. Lucie Estuary
  - Revisions to Chapters 40E-2 & 40E-20 to add new Section 3.11.2, North Fork of the St. Lucie River, to the Basis of Review for Water Use Permit Applications
- Water provided by the CERP Indian River Lagoon-South Project that is necessary for the protection of fish and wildlife is reserved

# Rule Development Activities

- Initiated rule development: April 2008
- Completed draft technical report: May 2009
- Scientific peer review of scientific and technical data: June 2 - 3, 2009
- Updated WRAC: July, October, November and December 2009
- Rule Development workshops: April 30, August 6, September 29 and October 28, 2009
- Published notice of rulemaking in FAW: December 11, 2009
  - No public comments received on draft rule or Statement of Estimated Regulatory Costs

# Next Steps for St. Lucie River Water Reservation Rule



- Adoption hearing:
  - February 11, 2010
- Effective date of rule:
  - March 18, 2010
- Corps verify rule by:
  - May 2010
- Execute Project Partnership Agreement:
  - May 2010
- Advertise Phase 1 Bids:
  - December 2010



# Summary of Proposed Rule

- Changes to 40-E10, F.A.C.
  - Added definition of North Fork of the St. Lucie River, including map
  - Clarified how water use permit applicants will meet water reservation rules
  - Added new section to reserve mean monthly flow of 130 cfs at Gordy Road Structure
  - Water will be available to protect fish and wildlife when Governing Board determines that CERP project is operational

# Summary of Proposed Rule, cont.

- The reservation and water use criteria will be updated concurrent with CERP project becoming operational
- Existing legal uses are determined to be not contrary to the public interest as per Section 373.223(4), F.S.
- Revised Basis of Review to clarify how applicants will comply prior to project becoming operational
- No changes from Joint Administrative Procedures Committee

# Recommended Action

Adopt amendments to Rules 40E-2.091 and 40E-20.091, 40E-10.021, 40E-10.031, 40E-10.041, F.A.C.; new Section 3.11.2 North Fork of the St. Lucie River of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, incorporated by reference; and new Rule 40E-10.051, F.A.C., Water Reservation Areas: Upper East Coast Planning Area, to identify the quantity, location and timing of waters reserved from allocation for the protection of fish and wildlife in the North Fork of the St. Lucie River in support of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South Project.